

House File 456 - Introduced

HOUSE FILE 456
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 103)

A BILL FOR

1 An Act relating to the duties and operations of the state
2 commission of libraries, the division of libraries and
3 information services, and the library service areas, and
4 including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 8A.454, subsection 2, Code 2011, is
2 amended to read as follows:

3 2. A monthly per contract administrative charge shall
4 be assessed by the department on all health insurance plans
5 administered by the department in which the contract holder
6 has a state employer to pay the charge. The amount of the
7 administrative charge shall be established by the general
8 assembly. The department shall collect the administrative
9 charge from each department utilizing the centralized payroll
10 system and shall deposit the proceeds in the fund. In
11 addition, the state board of regents, ~~all library service~~
12 ~~areas~~, the state fair board, the state department of
13 transportation, and each judicial district department of
14 correctional services shall remit the administrative charge on
15 a monthly basis to the department and shall submit a report
16 to the department containing the number and type of health
17 insurance contracts held by each of its employees whose health
18 insurance is administered by the department.

19 Sec. 2. Section 8D.2, subsection 5, paragraph a, Code 2011,
20 is amended to read as follows:

21 a. "*Public agency*" means a state agency, an institution
22 under the control of the board of regents, the judicial
23 branch as provided in section 8D.13, subsection 16, a school
24 corporation, a city library, ~~a library service area as provided~~
25 ~~in chapter 256~~, a county library as provided in chapter 336,
26 or a judicial district department of correctional services
27 established in section 905.2, to the extent provided in section
28 8D.13, subsection 14, an agency of the federal government, or a
29 United States post office which receives a federal grant for
30 pilot and demonstration projects.

31 Sec. 3. Section 8D.9, subsection 1, Code 2011, is amended
32 to read as follows:

33 1. A private or public agency, other than a state agency,
34 local school district or nonpublic school, city library,
35 ~~library service area~~, county library, judicial branch, judicial

1 district department of correctional services, agency of the
2 federal government, a hospital or physician clinic, or a
3 post office authorized to be offered access pursuant to this
4 chapter as of May 18, 1994, shall certify to the commission
5 no later than July 1, 1994, that the agency is a part of or
6 intends to become a part of the network. Upon receiving such
7 certification from an agency not a part of the network on May
8 18, 1994, the commission shall provide for the connection of
9 such agency as soon as practical. An agency which does not
10 certify to the commission that the agency is a part of or
11 intends to become a part of the network as required by this
12 subsection shall be prohibited from using the network.

13 Sec. 4. Section 8D.11, subsection 4, Code 2011, is amended
14 to read as follows:

15 4. A political subdivision receiving communications
16 services from the state as of April 1, 1986, may continue to
17 do so but communications services shall not be provided or
18 resold to additional political subdivisions other than a school
19 corporation, a city library, ~~a library service area as provided~~
20 ~~in chapter 256,~~ and a county library as provided in chapter
21 336. The rates charged to the political subdivision shall be
22 the same as the rates charged to state agencies.

23 Sec. 5. Section 12C.1, subsection 1, Code 2011, is amended
24 to read as follows:

25 1. All funds held by the following officers or institutions
26 shall be deposited in one or more depositories first approved
27 by the appropriate governing body as indicated: for the
28 treasurer of state, by the executive council; for judicial
29 officers and court employees, by the supreme court; for the
30 county treasurer, recorder, auditor, and sheriff, by the board
31 of supervisors; for the city treasurer or other designated
32 financial officer of a city, by the city council; for the
33 county public hospital or merged area hospital, by the board
34 of hospital trustees; for a memorial hospital, by the memorial
35 hospital commission; for a school corporation, by the board

1 of school directors; for a city utility or combined utility
2 system established under chapter 388, by the utility board;
3 ~~for a library service area established under chapter 256,~~
4 ~~by the library service area board of trustees;~~ and for an
5 electric power agency as defined in section 28F.2 or 390.9,
6 by the governing body of the electric power agency. However,
7 the treasurer of state and the treasurer of each political
8 subdivision or the designated financial officer of a city shall
9 invest all funds not needed for current operating expenses in
10 time certificates of deposit in approved depositories pursuant
11 to this chapter or in investments permitted by section 12B.10.
12 The list of public depositories and the amounts severally
13 deposited in the depositories are matters of public record.
14 This subsection does not limit the definition of "public funds"
15 contained in subsection 2. Notwithstanding provisions of this
16 section to the contrary, public funds of a state government
17 deferred compensation plan established by the executive council
18 may also be invested in the investment products authorized
19 under section 509A.12.

20 Sec. 6. Section 218.22, Code 2011, is amended to read as
21 follows:

22 **218.22 Record privileged.**

23 Except with the consent of the administrator in charge
24 of an institution, or on an order of a court of record, the
25 record provided in section 218.21 shall be accessible only
26 to the administrator of the division of the department of
27 human services in control of such institution, the director
28 of the department of human services and to assistants and
29 proper clerks authorized by such administrator or the
30 administrator's director. The administrator of the division
31 of such institution is authorized to permit the division of
32 ~~libraries and information~~ library services of the department
33 of education and the historical division of the department of
34 cultural affairs to copy or reproduce by any photographic,
35 photostatic, microfilm, microcard or other process which

1 accurately reproduces a durable medium for reproducing the
2 original and to destroy in the manner described by law such
3 records of residents designated in section 218.21.

4 Sec. 7. Section 256.7, unnumbered paragraph 1, Code 2011,
5 is amended to read as follows:

6 Except for the college student aid commission, the
7 commission of libraries and division of library services, and
8 the public broadcasting board and division, the state board
9 shall:

10 Sec. 8. Section 256.7, subsection 17, Code 2011, is amended
11 to read as follows:

12 17. Receive and review the budget and unified plan of
13 service submitted by the division of ~~libraries and information~~
14 library services.

15 Sec. 9. Section 256.9, unnumbered paragraph 1, Code 2011,
16 is amended to read as follows:

17 Except for the college student aid commission, the
18 commission of libraries and division of library services, and
19 the public broadcasting board and division, the director shall:

20 Sec. 10. Section 256.50, subsection 2, Code 2011, is amended
21 to read as follows:

22 2. "*Division*" means the division of ~~libraries and~~
23 ~~information~~ library services of the department of education.

24 Sec. 11. Section 256.51, subsection 1, unnumbered paragraph
25 1, Code 2011, is amended to read as follows:

26 The division of ~~libraries and information~~ library services
27 ~~is established within~~ attached to the department of education
28 for administrative purposes. The state librarian shall be
29 responsible for the division's budgeting and related management
30 functions in accordance section 256.52, subsection 3. The
31 division shall do all of the following:

32 Sec. 12. Section 256.51, subsection 1, Code 2011, is amended
33 by adding the following new paragraph:

34 NEW PARAGRAPH. 0a. Provide support services to libraries,
35 including but not limited to consulting, continuing education,

1 interlibrary loan services, and references services to assure
2 consistency of service statewide and to encourage local
3 financial support for library services.

4 Sec. 13. Section 256.51, subsection 1, paragraph d, Code
5 2011, is amended to read as follows:

6 *d.* Develop, in consultation with the ~~library service areas~~
7 ~~and the area education agency media centers,~~ a biennial unified
8 plan of service and service delivery for the division of
9 ~~libraries and information~~ library services.

10 Sec. 14. Section 256.51, subsection 1, paragraph j, Code
11 2011, is amended to read as follows:

12 *j.* Establish and administer standards for state agency
13 ~~libraries, the library service areas,~~ and public libraries.

14 Sec. 15. Section 256.51, subsection 1, paragraph k, Code
15 2011, is amended by striking the paragraph.

16 Sec. 16. Section 256.51, subsection 2, paragraph c, Code
17 2011, is amended to read as follows:

18 *c.* Accept gifts, contributions, bequests, endowments,
19 or other moneys, including but not limited to the Westgate
20 endowment fund, for any or all purposes of the division.
21 Interest earned on moneys accepted under this paragraph
22 shall be credited to the fund or funds to which the gifts,
23 contributions, bequests, endowments, or other moneys have been
24 deposited, and is available for any or all purposes of the
25 division. The division shall report annually to the ~~director~~
26 commission and the general assembly regarding the gifts,
27 contributions, bequests, endowments, or other moneys accepted
28 pursuant to this paragraph and the interest earned on them.

29 Sec. 17. Section 256.52, subsection 1, Code 2011, is amended
30 to read as follows:

31 1. *a.* The state commission of libraries consists of one
32 member appointed by the supreme court, the director of the
33 department of education, or the director's designee, and ~~six~~
34 the following seven members who shall be appointed by the
35 governor to serve four-year terms beginning and ending as

1 provided in section 69.19. ~~The governor's appointees shall~~

2 (1) Two members shall be employed in the state as public
3 librarians.

4 (2) One member shall be a public library trustee.

5 (3) One member shall be employed in this state as an
6 academic librarian.

7 (4) One member shall be employed as a librarian by a school
8 district or area education agency.

9 (5) Two members shall be selected at large.

10 b. The members shall be reimbursed for their actual
11 expenditures necessitated by their official duties. Members
12 may also be eligible for compensation as provided in section
13 7E.6.

14 Sec. 18. Section 256.52, subsection 3, paragraph b,
15 subparagraphs (1) and (4), Code 2011, are amended to read as
16 follows:

17 ~~(1) Direct and organize the activities of~~ Organize, staff,
18 and administer the division so as to render the greatest
19 benefit to libraries in the state.

20 ~~(4) Appoint and approve the technical, professional,~~
21 ~~excepting the law librarian,~~ secretarial, and clerical staff
22 necessary to accomplish the purposes of the division subject
23 to chapter 8A, subchapter IV.

24 Sec. 19. Section 256.52, subsection 3, paragraph b, Code
25 2011, is amended by adding the following new subparagraph:

26 NEW SUBPARAGRAPH. (4A) (a) Assume all of the outstanding
27 obligations of the library service areas and be liable for
28 and recognize, assume, and carry out all valid contracts and
29 obligations of the library service areas that are consolidated
30 under the commission and administered by the division effective
31 beginning July 1, 2011. Each library service area shall
32 transfer, prior to July 1, 2011, its state-funded assets and
33 title to any state-funded real estate owned by the library
34 service area to the state librarian. In the event that the
35 remaining assets and liabilities cannot be transferred to the

1 state librarian, the board of directors of a library service
2 area shall liquidate all assets, settle existing liabilities,
3 and transfer remaining moneys to the general fund of the
4 state. In addition, all fund balances from appropriations of
5 state funds allocated to the library service areas remaining
6 unobligated and unencumbered on the date of the transfer shall
7 be transferred to the general fund of the state.

8 (b) This subparagraph is repealed July 1, 2015.

9 Sec. 20. Section 256.52, subsection 5, Code 2011, is amended
10 to read as follows:

11 5. The commission shall receive and approve the budget and
12 unified plan of service submitted by the division ~~of libraries~~
13 ~~and information services~~.

14 Sec. 21. Section 256.54, subsection 1, Code 2011, is amended
15 to read as follows:

16 1. The state library includes but is not limited to ~~a law~~
17 library the library support network, the specialized library
18 services unit, and the state data center. The law library
19 shall be under the direction of the specialized library
20 services unit.

21 Sec. 22. Section 256.54, subsection 2, unnumbered paragraph
22 1, Code 2011, is amended to read as follows:

23 The law library shall be administered by a law librarian
24 appointed by the ~~director~~ state librarian subject to chapter
25 8A, subchapter IV, who shall do all of the following:

26 Sec. 23. Section 256.55, unnumbered paragraph 1, Code 2011,
27 is amended to read as follows:

28 A state data center is established in the ~~department~~
29 ~~of education~~ division. The state data center shall be
30 administered by the state data center coordinator, who shall
31 do all of the following:

32 Sec. 24. NEW SECTION. 256.58 Library support network.

33 1. A library support network is established in the division
34 to offer services and programs for libraries, including but not
35 limited to individualized, locally delivered consulting and

1 training, and to facilitate resource sharing and innovation
2 through the use of technology, administer enrich Iowa programs,
3 advocate for libraries, promote excellence and innovation
4 in library services, encourage governmental subdivisions to
5 provide local financial support for local libraries, and ensure
6 the consistent availability of quality service to all libraries
7 throughout the state, regardless of location or size.

8 2. The organizational structure to deliver library support
9 network services shall include district offices. The district
10 offices shall serve as a basis for providing field services
11 to local libraries in the counties comprising the district.
12 The division shall determine which counties are served by each
13 district office. However, the number of district offices
14 established to provide services pursuant to this section shall
15 not exceed six.

16 Sec. 25. NEW SECTION. **256.59 Specialized library services.**

17 The specialized library services unit is established in the
18 division to provide information services to the three branches
19 of state government and to offer focused information services
20 to the general public in the areas of Iowa law, Iowa state
21 documents, and Iowa history and culture.

22 Sec. 26. NEW SECTION. **256.62 Library services advisory**
23 **panel.**

24 1. The state librarian shall convene a library services
25 advisory panel to advise and recommend to the commission and
26 the division evidence-based best practices, to assist the
27 commission and division to determine service priorities and
28 launch programs, articulate the needs and interests of Iowa
29 librarians, and share research and professional development
30 information.

31 2. The library services advisory panel shall consist of no
32 fewer than eleven members representing libraries of all sizes
33 and types, and various population levels and geographic regions
34 of the state. A simple majority of the members appointed
35 shall be appointed by the executive board of the Iowa library

1 association and the remaining members shall be appointed by
2 the state librarian. Terms of members shall begin and end
3 as provided in section 69.19. Any vacancy shall be filled
4 in the same manner as regular appointments are made for the
5 unexpired portion of the regular term. Members shall serve
6 four-year terms which are staggered at the discretion of the
7 state librarian. A member is eligible for reappointment for
8 three successive terms. The members shall elect a chairperson
9 annually.

10 3. The library services advisory panel shall meet at least
11 twice annually and shall submit its recommendations in a
12 report to the commission and the state librarian at least once
13 annually. The report shall be timely submitted to allow for
14 consideration of the recommendations prior to program planning
15 and budgeting for the following fiscal year.

16 4. Members of the library services advisory panel shall
17 receive actual and necessary expenses incurred in the
18 performance of their duties. Expenses shall be paid from funds
19 appropriated to the department for purposes of the division.

20 Sec. 27. Section 256.70, unnumbered paragraph 1, Code 2011,
21 is amended to read as follows:

22 The division of ~~libraries and information~~ library services
23 of the department of education is hereby authorized to enter
24 into interstate library compacts on behalf of the state of Iowa
25 with any state bordering on Iowa which legally joins therein
26 in substantially the following form and the contracting states
27 agree that:

28 Sec. 28. Section 256.71, Code 2011, is amended to read as
29 follows:

30 **256.71 Administrator.**

31 The administrator of the division of ~~libraries and~~
32 ~~information~~ library services shall be the compact
33 administrator. The compact administrator shall receive copies
34 of all agreements entered into by the state or its political
35 subdivisions and other states or political subdivisions;

1 consult with, advise and aid such governmental units in the
2 formulation of such agreements; make such recommendations to
3 the governor, legislature, governmental agencies and units as
4 the administrator deems desirable to effectuate the purposes
5 of this compact and consult and co-operate with the compact
6 administrators of other party states.

7 Sec. 29. Section 273.2, subsection 4, Code 2011, is amended
8 to read as follows:

9 4. The area education agency board shall provide for special
10 education services and media services for the local school
11 districts in the area and shall encourage and assist school
12 districts in the area to establish programs for gifted and
13 talented children. The board shall assist in facilitating
14 interlibrary loans of materials between school districts and
15 other libraries. ~~Each area education agency shall include~~
16 ~~as a member of its media center advisory committee a library~~
17 ~~service area trustee or library service area staff member, who~~
18 ~~is appointed to the committee by the commission of libraries.~~

19 Sec. 30. Section 669.2, subsection 5, Code 2011, is amended
20 to read as follows:

21 5. "*State agency*" includes all executive departments,
22 agencies, boards, bureaus, and commissions of the state of
23 Iowa, and corporations whose primary function is to act as, and
24 while acting as, instrumentalities or agencies of the state of
25 Iowa, whether or not authorized to sue and be sued in their
26 own names. This definition does not include a contractor with
27 the state of Iowa. Soil and water conservation districts
28 as defined in section 161A.3, subsection 6, and judicial
29 district departments of correctional services as established in
30 section 905.2, ~~and library service area boards of trustees as~~
31 ~~established in chapter 256~~ are state agencies for purposes of
32 this chapter.

33 Sec. 31. Section 904.601, unnumbered paragraph 1, Code
34 2011, is amended to read as follows:

35 The director shall keep the following record of every person

1 committed to any of the department's institutions: Name,
 2 residence, sex, age, place of birth, occupation, civil
 3 condition, date of entrance or commitment, date of discharge,
 4 whether a discharge is final, condition of the person when
 5 discharged, the name of the institutions from which and to
 6 which the person has been transferred, and if the person is
 7 dead, the date and cause of death. The director may permit
 8 the division of ~~libraries and information~~ library services of
 9 the department of education and the historical division of
 10 the department of cultural affairs to copy or reproduce by
 11 any photographic, photostatic, microfilm, microcard, or other
 12 process which accurately reproduces in a durable medium and to
 13 destroy in the manner described by law the records of inmates
 14 required by this paragraph.

15 Sec. 32. REPEAL. Sections 256.60, 256.61, 256.66 through
 16 256.68, Code 2011, are repealed.

17 Sec. 33. TRANSITION PROVISION. A governor's appointee
 18 serving on the state commission of libraries on the effective
 19 date of this Act shall continue to serve as a member of the
 20 commission until the appointee's term expires.

21 Sec. 34. LIBRARY SERVICE AREA EMPLOYEES — LENGTH OF SERVICE
 22 — TRANSFER OF PERSONNEL RECORDS.

23 1. The length of service of a permanent employee of a
 24 library service area who is employed by a library service area
 25 on June 30, 2011, and who is hired by the division of library
 26 services on or after July 1, 2011, shall be prorated and
 27 credited as state employment service for purposes of vacation
 28 and sick leave accrual.

29 2. The area administrator of each library service area
 30 shall submit to the division of library services the personnel
 31 records of each permanent full-time employee of the library
 32 service area by July 1, 2011.

33 Sec. 35. EFFECTIVE UPON ENACTMENT. This Act, being deemed
 34 of immediate importance, takes effect upon enactment.

35 EXPLANATION

1 This bill changes the name of the division of libraries and
2 information services within the department of education to the
3 division of library services, establishes that the division is
4 attached to the department for administrative purposes only,
5 establishes within the division a library support network and
6 a specialized library services unit, expands the membership
7 of the commission of libraries, directs the state librarian
8 to convene a library services advisory panel, and eliminates
9 the library service areas effective July 1, 2011, transfers
10 their duties to the division, and directs the state librarian
11 to assume all of the outstanding obligations of the library
12 service areas.

13 The state librarian is made responsible for the division's
14 budgeting and related management functions, and is directed to
15 organize, staff, and administer the division so as to render
16 the greatest benefit to libraries in the state.

17 Each library service area is directed to transfer, prior
18 to July 1, 2011, its state-funded assets and title to any
19 state-funded real estate owned by the library service area
20 to the state librarian, who currently controls all property
21 of the division. In the event that the remaining assets and
22 liabilities cannot be transferred to the state librarian, the
23 board of directors of a library service area shall liquidate
24 all assets, settle existing liabilities, and transfer remaining
25 moneys to the general fund of the state. In addition, all fund
26 balances from appropriations of state funds allocated to the
27 library service areas remaining unobligated and unencumbered on
28 the date of the transfer shall be transferred to the general
29 fund of the state.

30 The division is directed to provide support services to
31 libraries, including but not limited to consulting, continuing
32 education, and interlibrary loan and references services to
33 assure consistency of service statewide and to encourage local
34 financial support for library services.

35 The commission of libraries membership is increased by one

1 member. Currently, members are appointed by the governor
2 and are appointed on an at-large basis. Under the bill, the
3 members include public librarians, a public library trustee,
4 an academic librarian, a school district or area education
5 agency librarian, and two members appointed on an at-large
6 basis. A governor's appointee serving on the state commission
7 of libraries on the effective date of the bill shall continue
8 to serve as a member of the commission until the appointee's
9 term expires.

10 The bill provides that the law librarian be appointed by the
11 state librarian, rather than the director of the department of
12 education.

13 A library support network is established in the division
14 to offer services and programs for libraries, including
15 individualized, locally delivered consulting services and
16 training, and to facilitate resource sharing and innovation
17 through the use of technology, administer enrich Iowa programs,
18 advocate for libraries throughout the state, provide support
19 for information technology, seek and offer opportunities
20 to libraries throughout the state, promote excellence and
21 innovation in library services, encourage governmental
22 subdivisions to provide local financial support for local
23 libraries, and ensure the consistent availability of quality
24 service to all libraries throughout the state, regardless
25 of location or size. The bill limits to six the number of
26 district offices that can be established to provide the
27 services.

28 The specialized library services unit is established in the
29 division to provide information services to the three branches
30 of state government and to offer focused information services
31 to the general public in the areas of Iowa law, Iowa state
32 documents, and Iowa history and culture.

33 The library services advisory panel is tasked with
34 advising and recommending to the commission and the division
35 evidence-based best practices, assisting the commission and

1 division to determine service priorities and launch programs,
2 articulating the needs and interests of Iowa librarians, and
3 sharing research and professional development information.
4 The library services advisory panel consists of at least 11
5 members representing libraries of all sizes and types, and
6 various population levels and geographic regions of the state.
7 A simple majority of the members shall be appointed by the
8 executive board of the Iowa library association, with the state
9 librarian appointing the remaining members. Members shall
10 serve four-year terms which are staggered at the discretion of
11 the state librarian. A member is eligible for reappointment
12 for three successive terms. The members shall elect a
13 chairperson annually. Members of the library services advisory
14 panel shall receive actual and necessary expenses incurred in
15 the performance of their duties. Expenses are paid from funds
16 appropriated to the department for purposes of the division.
17 The library services advisory panel shall meet at least
18 twice annually and shall submit its recommendations in a
19 report to the commission and the state librarian at least once
20 annually in time to allow for consideration prior to program
21 planning and budgeting for the following fiscal year.
22 The length of service of a permanent full-time employee of a
23 library service area who is employed by a library service area
24 on June 30, 2011, and who is hired by the division on or after
25 July 1, 2011, shall be credited as state employment service
26 for purposes of vacation and sick leave accrual. The area
27 administrator of each library service area shall submit to the
28 division of libraries and information services the personnel
29 records of each permanent full-time employee of the library
30 service area by July 1, 2011.
31 The bill takes effect upon enactment.